



Serial No.: 10/034,782
Attorney Docket No.: 580755.003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Parker, et al.
Serial No. : 10/034,782
Filing Date : December 27, 2001
Title : MOUTHPIECE TO PREVENT AIR LEAKAGE
AND METHOD FOR USING THE SAME

RECEIVED

Group/Art Unit : 3761
Examiner : Teena Kay Mitchell
Confirmation No. : 9050

FEB 21 2003

TECHNOLOGY CENTER R3700

Atty. Docket No. : 580755.003

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Box FEE AMENDMENT
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accordance with 37 C.F.R. § 1.56 and § 1.97(c), the references listed below and on the attached Form PTO/SB/08A (Substitute for Form 1449A-B/PTO) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed. Submission of these references is not an admission that the references constitute prior art.

U.S. PATENTS

<u>Patent No.</u>	<u>Inventor(s)</u>	<u>Issue Date</u>
6,405,729	Thornton	June 18, 2002
5,921,240	Gall	July 13, 1999
5,839,444	Komatsu et al.	November 24, 1998
5,816,802	Montgomery	October 6, 1998
5,666,974	Hiro et al.	September 16, 1997
5,666,973	Walter	September 16, 1997
5,642,738	Lilly, Jr.	July 1, 1997
5,277,203	Hays	January 11, 1994

Certificate of Mailing Under 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box FEE AMENDMENT, Commissioner for Patents, Washington, D.C. 20231, on:

Date: 7 February 2003

Signature: *Christie Chastay*

Printed Name: *Christie Chastay*

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

U.S. PATENTS

<u>Patent No.</u>	<u>Inventor(s)</u>	<u>Issue Date</u>
4,856,991	Breads et al.	August 15, 1989
4,817,636	Woods	April 4, 1989
3,203,417	Helmer	August 31, 1965
2,867,212	Nunn, Jr.	January 6, 1959
2,627,268	Leppich	February 3, 1953
1,483,694	Stukey	February 12, 1924
746,869	Moulton	December 15, 1903
32,565	Hooper	April 24, 1900

FOREIGN PATENTS

<u>Country</u>	<u>Patent No./Publication No.</u>	<u>Publication Date</u>
None.		

OTHER REFERENCES

GREAT LAKES ORTHODONTICS, LTD. of Tonawanda, New York, product brochure, The Elastomeric Sleep Appliance, publication date unknown, at least as early as 2001.

AIRWAY MANAGEMENT INCORPORATED of Dallas, Texas, product brochure, Vent and Saliva Shield™, publication date unknown, at least as early as 2001.

AIRWAY MANAGEMENT INCORPORATED of Dallas, Texas, product brochure, Thornton Adjustable Positioner® (TAP®), product available at least as early as 1996.

FULLEKRUG, B., BEYER, R., REISSMANN, H., POTHMANN, W., The Practicability, Patient Comfort and Efficiency of the Pre-Oxygenation Device NasOral, <http://gateway.nlm.nih.gov/gw/Cmd?GMExpandedItem>, visited April 10, 2001.

Applicants respectfully request that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

This information disclosure statement is being filed after the mailing of a first Office Action on the merits, but before the mailing date of any Final Action under § 1.113, a

Notice of Allowance under § 1.34 or an action that otherwise closes prosecution in the application. Enclosed is a check in the amount of \$180.00 to cover the fee set forth in 37 C.F.R. § 1.17(p).

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By: 

Andrea F. Sellers, Reg. No. 44,102
STINSON, MAG & FIZZELL, P.C.
1201 Walnut Street, Suite 2800
P.O. Box 419251
Kansas City, MO 64141-6251
Telephone: (816) 842-8600
Facsimile: (816) 691-3495
Attorney for Applicants